IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5496 OF 2005

Amrutrao Somaji Kamble and Ors. .. Petitioners

Vs.

State of Maharashtra and Ors. .. Respondents

Dr.Virendra Tulzapurkar with Mr.Prashant Naik for the petitioners

Mr.P.S.Dani for the respondents

CORAM : S.U.KAMDAR, J
DATED : 29TH NOVEMBER, 2005

P.C.:

1. By consent of the parties, the following order is passed:

2. The appellate order dt.16.5.05 passed in appeal no.47 of 2003 and the impugned order passed in Revision Application no.252 of 2005 is quashed and set aside. Order dt.21.8.02 and 29.7.02 not to be given effect till and until the following procedure is followed.

3. Revision application no.383 of 2003 filed before the Divisional Joint Registrar, Pune is restored and the Divisional Joint Registrar is

directed to decide the said Revision Application on its own merits challenging the order dt.29.7.02 passed under the provisions of section 102 (c) of the Maharashtra Co-op.Societies Act 1960. Joint Registrar is directed to decide the said revision application within 3 months from today but in any event on or before 28.2.06. It is made clear that in an event if the revision is dismissed, order of cancellation of registration of petitioner society not to be given effect to for a period of 4 weeks from the date of service of the said order so as to enable the petitioner to adopt appropriate legal proceeding challenging the said order as may be available in law.

4. Divisional Joint Registrar will decide the revision application without taking into consideration the said order of cancellation of the society passed by the Deputy Registrar. Till and until the final hearing of revision application and for a period of 4 weeks thereafter Society will not take any major policy decision but will be entitled to run the society on day to day basis in the normal course of business. The society will not

enter into the compromise in respect of any pending suits till the orders are finally passed by the lower authorities. Petition disposed of accordingly. No order as to costs.